



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
September 29, 2003**

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20-03

SBE:sbe

The meeting was called to order at 9:15 a.m., with all Members being present, and with Chairman Hanley presiding.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS

1. **MOMENT OF SILENCE** (Tape 1)

Chairman Hanley asked everyone to reflect on those who worked around the clock because of the recent powerful storm.

2. **WELCOME TO MEMBERS OF THE SCHOOL BOARD** (Tape 1)

Chairman Hanley recognized the presence of Isis Castro, Chairman of the School Board; Ernestine Heastie, School Board Representative for Providence District; and Daniel A. Domenech, School Superintendent, and warmly welcomed them to the Board Auditorium.

AGENDA ITEMS

3. **CERTIFICATES OF RECOGNITION PRESENTED TO FAIRFAX COUNTY HIGH SCHOOLS** (Tape 1)

Supervisor Connolly moved approval of the Certificates of Recognition presented to eligible Fairfax County High Schools for being included on *Newsweek*

Magazine's list of "Top High Schools in America for 2003." Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO MCLEAN LITTLE LEAGUE SOFTBALL ALL-STARS AND THE MCLEAN BABE RUTH BOYS' U14 ALL-STARS** (Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to members of the McLean Little League 9-10 Softball All-Stars team for their accomplishments. Supervisor Connolly seconded the motion and it carried by unanimous vote.

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to members of the McLean Little League 11-12 Softball All-Stars team for their accomplishments. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to members of the McLean Babe Ruth Boys' U14 All-Stars team for their accomplishments. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO MR. JAMES EDMONDSON, MR. WILLIAM EHLMAN, AND MR. ROBERT GREENBURG** (Tape 1)

(BACs) Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificates of Recognition presented to the following individuals for their service on the Health Systems Agency Board:

- Mr. James Edmondson
- Mr. William Ehlman
- Mr. Robert Greenburg

Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

6. **PROCLAMATION DECLARING OCTOBER AS "DISABILITY EMPLOYMENT AWARENESS MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to declare October as "Disability Employment Awareness Month" in Fairfax County. Supervisor Hudgins and Supervisor McConnell jointly seconded the motion and it carried by

a vote of eight, Supervisor Kauffman and Supervisor Mendelsohn being out of the room.

7. **PROCLAMATION DECLARING OCTOBER 5–11, 2003, AS "*MENTAL ILLNESS AWARENESS WEEK*" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to declare October 5–11, 2003, as "*Mental Illness Awareness Week*" in Fairfax County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DECLARING OCTOBER 5–11, 2003, AS "*FIRE PREVENTION WEEK*" IN FAIRFAX COUNTY** (Tapes 1-2)

Chairman Hanley moved approval of the Proclamation to declare October 5–11, 2003, as "*Fire Prevention Week*" in Fairfax County. Supervisor Gross and Supervisor Kauffman jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

9. **PROCLAMATION DECLARING OCTOBER AS "*VOTER EDUCATION MONTH*" IN FAIRFAX COUNTY** (Tape 2)

Supervisor Hudgins moved approval of the Proclamation to declare October as "*Voter Education Month*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine*, Supervisor Hyland being out of the room.

*Upon his return to the dais, Supervisor Hyland asked unanimous consent that he be recorded as voting "AYE" on this motion. Without objection, it was so ordered.

10. **ORDERS OF THE DAY** (Tape 2)

Chairman Hanley announced that the students who were receiving the 2003 Environmental Excellence Awards had not yet arrived; therefore the Board, would proceed with Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups.

11. **10 A.M. – 2003 ENVIRONMENTAL EXCELLENCE AWARDS** (No Tape)

(NOTE: Later in the meeting, the 2003 Environmental Excellence Awards were presented. See Clerks Summary CL#14.)

PW:pw

#. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 3)

(APPTS)

(BACs)

ADVISORY SOCIAL SERVICES BOARD

Supervisor Hudgins moved the reappointment of Mr. Jeffrey C. Weinstock as the Hunter Mill District Representative to the Advisory Social Services Board. Chairman Hanley seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Lee and Providence District Representatives to the Advisory Social Services Board.

ARCHITECTURAL REVIEW BOARD

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite James Allred, outgoing Architect #2 Representative, to appear before the Board to be recognized for his many years of service on the Architectural Review Board. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to invite Helen G. Tidball, outgoing Related Professional Group #1 Representative, to appear before the Board to be recognized for her many years of service on the Architectural Review Board. Without objection, it was so ordered.

Chairman Hanley moved the reappointment of Ms. Susan W. Notkins as the Related Professional Group #3 Representative to the Architectural Review Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. Mark G. Searle as the Related Professional Group #6 Representative to the Architectural Review Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Architect #2 and Related Professional Group #1 Representatives to the Architectural Review Board.

ATHLETIC COUNCIL

Supervisor Connolly moved the reappointment of Mr. Stephen A. McLaughlin as the Providence District Representative to the Athletic Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CONFIRMATION:

Chairman Hanley moved the confirmation of the following appointment to the Athletic Council:

- Mr. Kevin Fay as the Fairfax County Park Authority Principal Representative

Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Lee District Alternate Representative and the Women's Sports Association Alternate Representative to the Athletic Council.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Supervisor Kauffman moved the reappointment of Ms. Phyllis W. Ford as the At-Large #1 Representative to the Celebrate Fairfax, Incorporated Board of Directors. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Donald W. Weber, Sr. as the At-Large #2 Representative to the Celebrate Fairfax, Incorporated Board of Directors. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Christopher B. Welker as the At-Large #3 Representative to the Celebrate Fairfax, Incorporated Board of Directors. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Chairman Hanley moved the reappointment of Ms. Shelly Park as the At-Large #4 Representative to the Celebrate Fairfax, Incorporated Board of Directors. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointments of the At-Large #1, #2, #3, #4, #5, #6, and #7 Representatives to the Chesapeake Bay Preservation Ordinance Exception Review Committee.

Supervisor Mendelsohn asked unanimous consent that the Board:

- Circulate nominations in advance for review so that the appointments can be made all at one time.

- Direct staff to provide the Board with the expectations as to the types of issues that this committee will be ruling on and the frequency of meetings.

Without objection, it was so ordered.

CHILD CARE ADVISORY COUNCIL

Supervisor Kauffman moved the reappointment of Ms. Tamara J. Derenak as the Lee District Representative to the Child Care Advisory Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Karla D. Whalen as the Mount Vernon District Representative to the Child Care Advisory Council. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Connolly moved the reappointment of Ms. Brenda W. Otis as the Providence District Representative to the Child Care Advisory Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Springfield District Representative to the Child Care Advisory Council.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the At-Large (Minority) Representative and the Sully District Representative to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

The Board deferred the appointment of the Dranesville District Representative to the Community Action Advisory Board.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointments of the Fairfax County Resident #7 and #12 Representatives to the Consumer Protection Commission.

COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE**CONFIRMATION:**

Supervisor Hyland moved the confirmation of the following appointment to the Countywide Non-Motorized Transportation (Trails) Committee:

- Ms. Rebecca Cate as the Fairfax County Federation of Citizens Associations Representative

Supervisor Kauffman seconded the motion, which carried by unanimous vote.

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor Hudgins moved the appointment of Mr. Bryon F. Wong to fill the unexpired term of Mr. Gregory W. Copeland as the Hunter Mill District Representative to the Criminal Justice Advisory Board. Chairman Hanley seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Representative and the Mason, Providence, and Springfield District Representatives to the Criminal Justice Advisory Board.

ENGINEERING STANDARDS REVIEW COMMITTEE**CONFIRMATION:**

Supervisor Connolly moved the confirmation of the following appointment to the Engineering Standards Review Committee:

- Ms. Jorg C. Huckabee-Mayfield as the Fairfax District Virginia Department of Transportation Representative

Supervisor Hyland seconded the motion, which carried by unanimous vote.

FAIRFAX AREA DISABILITY SERVICES BOARD

Supervisor Frey moved the appointment of Ms. Ann Pimley to fill the unexpired term of Ms. Donna Martinez as the Sully District Representative to the Fairfax Area Disability Services Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large Business Community Representative to the Fairfax Area Disability Services Board.

FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD

The Board deferred the appointments of the Gas Fitter Tradesman, HVAC Tradesman #1 and #2, and Plumbing Tradesman #1 and #2 Representatives to the Fairfax County Construction Trades Advisory Board.

Following discussion, Supervisor Kauffman asked unanimous consent that the Board direct staff to post a notice at the permits counter, or appropriate area in the Department of Public Works and Environmental Services, indicating that the Board of Supervisors is seeking nominations. Without objection, it was so ordered.

FAIRFAX COUNTY SMALL BUSINESS COMMISSION

Supervisor Hudgins moved the appointment of Ms. Niquelle L. Cotton to fill the unexpired term of Ms. Cynthia H. Chambliss as the Hunter Mill District Representative to the Fairfax County Small Business Commission. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**CONFIRMATION:**

Supervisor Connolly moved the confirmation of the following appointment to the Fairfax-Falls Church Community Services Board:

- Captain Paul R. Camarca as the Office of the Sheriff Representative

Supervisor Hudgins seconded the motion, which carried by unanimous vote.

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Sully District Representative to the Health Care Advisory Board.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Provider #1 Representative to the Health Systems Agency Board.

HISTORY COMMISSION

Supervisor Hyland moved the appointment of Ms. Anne M. Barnes to fill the unexpired term of the Reverend Clinton W. Austin as the Citizen/Minority

Representative to the History Commission. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

HUMAN RIGHTS COMMISSION

Supervisor Frey moved that the Board direct staff to invite Anthony J. Weaver, former At-Large #1 Representative, to appear before the Board to be recognized for his many years of service on the Human Rights Commission. Without objection, it was so ordered.

Supervisor Frey moved the appointment of Mr. Preston M. Royster as the At-Large #1 Representative to the Human Rights Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Chairman Hanley moved the reappointment of Mr. Victor Dunbar as the At-Large #3 Representative to the Human Rights Commission. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Lynn D Clark as the At-Large #10 Representative to the Human Rights Commission. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Springfield District #2 Representative to the Human Services Council.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Lee District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Supervisor Hudgins moved the appointment of Mr. Adam Parnes as the Hunter Mill District Representative to the Oversight Committee on Drinking and Driving. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Chairman's Representative and the Braddock District Representative to the Oversight Committee on Drinking and Driving.

POLICE OFFICERS RETIREMENT SYSTEM BOARD

The Board deferred the appointment of the Citizen At-Large #2 Representative to the Police Officers Retirement System Board.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Condominium Owner and Tenant Member #3 Representatives to the Tenant Landlord Commission.

TRANSPORTATION ADVISORY COMMISSION

Supervisor Frey moved the appointment of Mr. Jeffrey M. Parnes to fill the unexpired term of the late Mr. Richard D. Frank as the Sully District Representative to the Transportation Advisory Commission. Chairman Hanley seconded the motion, which carried by unanimous vote.

YOUTH BASKETBALL COUNCIL ADVISORY BOARD

Following discussion, Supervisor Bulova moved to:

- Defer the confirmation of the appointments to the Youth Basketball Council Advisory Board.
- Direct staff to provide the Board with the implications of confirming member groups not located in Fairfax County.

Supervisor Frey seconded the motion, which carried by unanimous vote.

DS:ds

13. **ADMINISTRATIVE ITEMS** (Tape 4)

Supervisor Hyland moved approval of the Administrative Items. Supervisor Connolly seconded the motion.

Supervisor Connolly called the Board's attention to Admin 10 – Authorization to Accept an Allocation of \$750,000 in Home Stretch Funds from the Virginia Housing Development Authority and Approval to Market the Use of these Funds for County Homeownership Initiatives, and discussion ensued with input from Erik T. Hoffman, Director, Real Estate Finance and Grants Management Division, Department of Housing and Community Development.

Chairman Hanley called the Board's attention to Admin 15 – Authorization for the Department of Vehicle Services to Apply for Federal Grant Funding from the Environmental Protection Agency's New National Partnership Program, "Clean School Bus USA," Under the Clean Air Act Section 103(b)(3) and discussion ensued with input from James D. Gorby, Director, Department of Vehicle Services.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to rephrase the beginning of the last paragraph, on handwritten page 4 of the Board Agenda Item dated September 29, 2003, regarding project completion. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

The question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

ADMIN 1 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF UP TO \$37,000,000 REVENUE BONDS PURSUANT TO THE PLAN OF FINANCING OF THE POTOMAC SCHOOL (DRANESVILLE DISTRICT)

(BONDS)

(R)

Adopted the Resolution approving the proposed Plan of Financing requesting the Fairfax County Economic Development Authority to issue its revenue bonds to assist the Potomac School in financing or refinancing facilities for the benefit of the school.

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, LEE, AND PROVIDENCE DISTRICTS)

(R)

Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Zion Drive Property	Braddock	Windsor Hills Drive Route 7754 Additional ROW Only Zion Drive Route 654 Additional ROW Only
Grovedale Professional Center	Lee	Grovedale Drive Route 718 Additional ROW Only
Oakton Ridge Estates	Providence	Sweetberry Court Mimosa Place Phoenix Drive Additional ROW Only Phoenix Drive Additional ROW Only

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Shreve Hill	Providence	Idylwood Road Route 695 Additional ROW Only

**ADMIN 3 – RESOLUTION TO INSTALL “WATCH FOR CHILDREN”
SIGNS ON AWBREY PATENT DRIVE AND NEWTON PATENT DRIVE
(SULLY DISTRICT)**

- (R)
- Adopted the Resolution endorsing the installation of "Watch for Children" signs as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at the following locations:
 - Awbrey Patent Drive (Sully District)
 - Newton Patent Drive (Sully District)

**ADMIN 4 – CONSIDERATION OF CUT-THROUGH MEASURES FOR
LAUREL STREET AS PART OF THE FAIRFAX COUNTY
DEPARTMENT OF TRANSPORTATION'S RESIDENTIAL TRAFFIC
ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK DISTRICT)**

- (R)
- Adopted the R-TAP Resolution requesting the Virginia Department of Transportation to review and address possible cut-through measures for Laurel Street.

**ADMIN 5 – INSTALLATION OF A MULTI-WAY STOP AT ADEL ROAD
AND CHARITON STREET (PROVIDENCE DISTRICT); TIMBER
WOOD WAY AND REIGN STREET (HUNTER MILL DISTRICT); AND
HEMING AVENUE AND ELGAR STREET, RAVENSWORTH ROAD
AND ELGAR STREET, AND FERNDAL STREET AND CHATHAM
STREET (BRADDOCK DISTRICT)**

- Endorsed the installation of multi-way stops as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at the following locations:
 - Adel Road and Chariton Street (Providence District)
 - Timber Wood Way and Reign Street (Hunter Mill District)
 - Heming Avenue and Elgar Street (Braddock District)

- Ravensworth Road and Elgar Street (Braddock District)
- Ferndale Street and Chatham Street (Braddock District)
- Directed staff to request the Virginia Department of Transportation install the necessary signs at the earliest possible date.

ADMIN 6 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), AND CHAPTER 101 (SUBDIVISION ORDINANCE), REGARDING FIRE MARSHAL REVIEW FEES FOR SITE PLANS AND SUBDIVISION PLANS

- (R) (A) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on November 12, 2003, at 8:15 p.m. and before the Board on **December 8, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), and Chapter 101 (Subdivision Ordinance), regarding increasing Fire Marshal review fees for site plans and subdivision plans.

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04035 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT US DEPARTMENT OF TREASURY, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (BATFE) GRANT FUNDING FOR A GANG RESISTANCE EDUCATION AND TRAINING PROGRAM

- (SAR) Approved SAR AS 04035 for the FCPD to accept a US Department of Treasury, BATFE grant in the amount of \$33,488. No local cash match is required.

ADMIN 8 – AUTHORIZATION TO CONDUCT A TEST OF AN ELECTRONIC POLLBOOK IN TWO PRECINCTS IN THE NOVEMBER 4, 2003, GENERAL AND SPECIAL ELECTIONS (LEE DISTRICT)

Authorized a test of the Advanced Voting Solutions Electronic Pollbook in the Cameron and Mount Eagle precincts of Lee District for the November 4, 2003, general and special elections.

ADMIN 9 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) CONCERNING STREETLIGHTS AND WATER AND FIRE REGULATIONS

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on November 6, 2003, at 8:15 p.m. and before the Board on **December 8, 2003, at 3:30 p.m.** to consider proposed amendments to the PFM concerning streetlights and water and fire regulations.

ADMIN 10 – AUTHORIZATION TO ACCEPT AN ALLOCATION OF \$750,000 IN HOME STRETCH FUNDS FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) AND APPROVAL TO MARKET THE USE OF THESE FUNDS FOR COUNTY HOMEOWNERSHIP INITIATIVES

(NOTE: Earlier in the meeting, there was a brief discussion regarding this item. See page 10.)

- Approved acceptance of the \$750,000 allocation in Home Stretch funds from VHDA for down payment and closing costs assistance to eligible applicants.
- Authorized the Department of Housing and Community Development to market the allocation of \$750,000 through County homeownership initiatives.

ADMIN 11 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO SUBMIT A GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (VDMAS) TO DEVELOP AND TEST INNOVATIVE STRATEGIES TO INCREASE RETENTION OF ELIGIBLE CHILDREN IN THE FAMILY ACCESS TO MEDICAL INSURANCE SECURITY PLAN (FAMIS) AND FAMIS PLUS (MEDICAID)

Authorized DFS to apply to VDMAS for grant funding in the amount of \$48,728 to fund a program that will develop and deliver innovative and cost effective strategies to increase the enrollment and retention of eligible children in FAMIS and Medicaid healthcare insurance programs. No local cash match is required.

ADMIN 12 – EXTENSION OF REVIEW PERIOD FOR A PUBLIC FACILITY 2232 REVIEW APPLICATION (SULLY DISTRICT)

Authorized the extension of a review period for the following Public Facility (2232) Review Application to the date noted:

- Application 2232-Y01-15 to March 31, 2004

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 16001 LEE HIGHWAY (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2003, at 4:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 16001 Lee Highway, Centreville [Tax Map Number 063-2 ((01))-0007].

ADMIN 14 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING AND DESIGNATION OF AN ADVISORY BOARD TO REVIEW AND COMMENT ON THE PROPOSED USE OF FUNDS RECEIVED BY THE POLICE DEPARTMENT UNDER THE LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM

- (A)
(BACs)
- Authorized the advertisement of a public hearing to be held before the Board on October 20, 2003, to obtain citizen input regarding the proposed use of funds received by the Police Department under the LLEBG Program.
 - Designated the following individuals to serve as members of the advisory board:
 - John T. Frey, Clerk of the Circuit Court
 - Tom Hurney, Reston Citizen Advisory Council
 - Ray Morrogh, Deputy Commonwealth's Attorney
 - Fred Ellis, Director, Office of Security and Risk Management, Fairfax County Public Schools
 - Major Robert Callahan, Commander, Internal Affairs Bureau, Police Department

ADMIN 15 – AUTHORIZATION FOR THE DEPARTMENT OF VEHICLE SERVICES (DVS) TO APPLY FOR FEDERAL GRANT FUNDING FROM THE ENVIRONMENTAL PROTECTION AGENCY'S NEW NATIONAL PARTNERSHIP PROGRAM, "CLEAN SCHOOL BUS USA," UNDER THE CLEAN AIR ACT, SECTION 103(b)(3)

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 10.)

Approved DVS' submission of a competitive application for funding in the amount of \$1 million to participate in the Environmental Protection Agency's new

national partnership program, "Clean School Bus USA," under the Clean Air Act, Section 103(b)(3). A local cash match of \$127,500 will be included in the application, for a total award of \$1,127,500.

ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions).

14. **10 A.M. – 2003 ENVIRONMENTAL EXCELLENCE AWARDS** (Tape 4)

(NOTE: Earlier in the meeting, the Board deferred this presentation. See Clerk's Summary Item CL#11.)

Robert McLaren, Chairman, Fairfax County Environmental Quality Advisory Council presented the 2003 Environmental Excellence Awards as follows:

- *County Resident Category* - Mr. Joseph Chudzik

A representative of The Lion's Club of Virginia Foundation, also presented Mr. Chudzik with the *Humanitarian of the Year Award*.

- *Organization Category* - Students Against Global Abuse (SAGA)

Gary Gepford, on behalf of SAGA, presented Supervisor Mendelsohn with an Irish Blessing Award.

- *County Employee Category* - Noel Kaplan, Senior Environmental Planner, Department of Planning and Zoning.

15. **A-1 – REPLACEMENT OF THE FAIRFAX CITY GENERAL SERVICES AGREEMENT** (Tape 4)

This item was withdrawn by staff.

16. **A-2 – AUTHORIZATION TO FILE COMMENTS IN THE APPLICATION OF VIRGINIA ELECTRIC AND POWER COMPANY TO REVISE ITS FUEL FACTOR PURSUANT TO VIRGINIA CODE SECTION 56-249.6, CASE NUMBER PUE-2003-00285** (Tape 4)

Supervisor Bulova moved that the Board concur in the recommendation of staff and approve the comments regarding the application of Dominion Virginia Power to be presented at the State Corporation Commission's public hearing in Richmond on October 7, 2003. Supervisor Gross seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to remove Roman numeral four from the comments and refer it to the Legislative Committee for review and recommendations. This was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following discussion, with input from Stephen D. Sinclair, Utility Analyst, Department of Cable Communications and Consumer Protection, the question was called on the motion, as amended, and it **CARRIED** by a recorded vote of nine, Supervisor Mendelsohn abstaining.

Supervisor Frey asked unanimous consent that the Board direct staff to contact DVP to request a meeting to discuss a future process for its involvement with the County. Without objection, it was so ordered.

(NOTE: Later in the meeting, additional action was taken relating to this item. See Clerk's Summary Item CL#37.)

17. **A-3 – ADOPTION OF A RESOLUTION CONFIRMING THE HURRICANE ISABEL DECLARATION OF A LOCAL EMERGENCY, THE TERMINATION OF THE DECLARED LOCAL EMERGENCY, AND CONSENTING TO ALL ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND COUNTY STAFF** (Tape 4)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt the Resolution that:

- Confirms the Hurricane Isabel Declaration of a Local Emergency effective September 17, 2003, at 6 p.m.
- Approves the consents to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration of a Local Emergency and the Fairfax County Emergency Operations Plan.
- Confirms the Termination of a Declared Local Emergency, effective September 22, 2003, at 12 noon.

Supervisor Bulova seconded the motion.

Following discussion, with input from David P. Bobzien, County Attorney, and Anthony H. Griffin, County Executive, the question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland,

Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to review the Code of the County of Fairfax to ensure it contains the appropriate structure for the Director of Emergency Management to have the authority over issues relating to the County government and report the findings. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

(NOTE: Later in the meeting, there was additional action taken relating to this item. See Clerk's Summary Item CL#37.)

18. **I-1 – PROJECT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DEVELOPMENT AND ADMINISTRATION OF THE LEE HIGHWAY TRAIL CONSTRUCTION – ROUTE 29/I-66 UNDERPASS PEDESTRIAN TRAIL (SULLY DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated September 29, 2003, requesting authorization for staff to execute a Project Agreement with VDOT for the development and administration of the Lee Highway Trail Construction - Route 29/I-66 Underpass Pedestrian Trail.

The staff was directed administratively to proceed as proposed.

19. **I-2 – CONTRACT AWARD – SHIRLEY ACRES SANITARY SEWER EXTENSION AND IMPROVEMENT (MOUNT VERNON DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated September 29, 2003, requesting authorization for staff to:

- Award a contract to Martin and Gass, Incorporated, in the amount of \$1,202,429 for the construction of project X00823, Extension Projects Fiscal Year 1993, (P004) Shirley Acres, in Fund 402, Sewer Construction Improvements.
- Reallocate funds in the amount of \$158,153 from Project X00988, Sewer Contingency.

The staff was directed administratively to proceed as proposed.

20. **I-3 – WASTE DELIVERY/DISPOSAL AGREEMENT WITH THE DISTRICT OF COLUMBIA (DC)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated September 29, 2003, requesting authorization for staff to execute a Waste Delivery/Disposal Agreement with DC.

The staff was directed administratively to proceed as proposed.

21. **I-4 – CONTRACT AWARD – CUB RUN PHASE II WATERSHED MANAGEMENT PLAN (SULLY AND SPRINGFIELD DISTRICTS)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated September 29, 2003, requesting authorization for staff to award a contract to Camp Dresser and McKee in the amount of \$1,438,260 for consulting engineering services for the Cub Run Phase II Watershed Management Plan, in Fund 308, Public Works Construction, and Fund 316, Pro Rata Share Construction.

The staff was directed administratively to proceed as proposed.

22. **I-5 – CONTRACT AWARD – SKATE PARK CUSTOM ELEMENTS AT WAKEFIELD PARK (BRADDOCK DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated September 29, 2003, requesting authorization for staff to award a contract to Triple "J" Construction, Incorporated, in the amount of \$244,900 for the installation of skate park custom elements at Wakefield Park.

The staff was directed administratively to proceed as proposed.

23. **I-6 – CONTRACT AWARD – CONSTRUCTION OF THE HERNDON SENIOR CENTER (DRANESVILLE DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated September 29, 2003, requesting authorization for staff to:

- Award a contract to Meridian Construction Company, Incorporated, in the amount of \$5,450,000 for the construction of the Herndon Senior Center, Project 014050, in Fund 948, Fairfax County Redevelopment and Housing Authority Private Financing.
- Approve change orders in an amount not to exceed \$545,000 above the contract amount.

The staff was directed administratively to proceed as proposed.

24. **I-7 – THE PLANNING COMMISSION'S ACTION REGARDING THE PROPOSED 2004-2005 AREA PLANS REVIEW (APR) PROCESS** (Tape 4)

The Board next considered an item contained in the Board Agenda dated September 29, 2003, requesting authorization for staff to publicize the upcoming APR based on the schedule and public outreach recommended by the Planning Commission.

Following discussion, with input from Fred R. Selden, Director, Planning Division, Department of Planning and Zoning (DPZ), Supervisor Kauffman asked unanimous consent that the Board direct staff from DPZ to work with staff from GIS, on a district by district basis, to create maps that highlight those pieces of ground where there is a disconnect between the plan and existing zoning. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

25. **I-8 – INFORMATION ON THE BALANCE IN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) SPECIAL REVENUE FUND 106** (Tape 4)

The Board next considered an item contained in the Board Agenda dated September 29, 2003, requesting authorization for staff to make the necessary appropriation adjustment of \$387,000 to the CSB Fund 106 at the Fiscal Year 2004 Third Quarter Budget Review.

Supervisor Hudgins said that she had asked a question of staff at a previous meeting regarding cuts to Girl Power and still had not received a response. Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to report with the following:

- What happened to CSB's Girl Power program as a result of the budget cuts?
- With the balance shown, is the County able to address the issues?

Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

26. **AMERICAN INDIAN HERITAGE MONTH** (Tape 5)

Chairman Hanley stated that the month of November is nationally recognized as American Indian Heritage Month. Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite representatives from the Office of Equity Programs and the American Indian community to appear before the Board at the October 27, 2003, meeting to receive a proclamation declaring November as "*American Indian Heritage Month*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by unanimous vote.

27. **AMERICA RECYCLES DAY** (Tape 5)

Chairman Hanley said that staff from the Division of Solid Waste, Department of Public Works and Environmental Services, requested that the County recognize America Recycles Day, a national celebration taking place on November 15, 2003. Accordingly, she moved that the Board direct staff to:

- Prepare a proclamation declaring November 15, 2003, as "*Fairfax County Recycles Day*" in Fairfax County.
- Invite the appropriate individuals to appear before the Board on October 20, 2003, to accept it.

Supervisor Connolly seconded the motion, which carried by unanimous vote.

28. **PEDESTRIAN SAFETY** (Tape 5)

Chairman Hanley noted that the County has been collaborating with other local jurisdictions to increase the public's awareness on the issue of pedestrian safety. She pointed out specific County efforts and noted the decrease in pedestrian fatalities compared with last year.

Chairman Hanley said that the Federal Highway Administration (FHWA) has developed a Pedestrian Safety Awareness Campaign to begin in October 2003 in cooperation with the District of Columbia's Department of Transportation. The campaign will include pedestrian safety messages for television and radio, posters for buses and bus shelters, and handouts for children and adults, all in English and Spanish.

Because the County is on record as committed to pedestrian safety efforts and desires to be a leader in the FHWA campaign, Chairman Hanley moved that the Board:

- Declare October as "*Pedestrian Safety Month*" in Fairfax County.
- Direct staff to utilize \$50,000 of the Department of Transportation's Pedestrian Safety budget as the County's contribution in support of the FHWA Pedestrian Safety Awareness Campaign.

Supervisor Connolly seconded the motion, which carried by unanimous vote.

29. **AIRPORT NOISE MITIGATION** (Tape 5)

Chairman Hanley distributed copies of a letter she had received from Barbara A. Favola, Chair, Metropolitan Washington Council of Governments' Committee on Noise Abatement and Aviation at National and Dulles Airports ("CONAANDA") regarding federal legislation that would limit airports from using Federal Airport Improvement Program funds to pay for noise mitigation procedures beyond 65 db DNL. Ms. Favola asked that the Board send a letter opposing this legislation.

Accordingly, Chairman Hanley moved that the Board direct staff to prepare and send the letter as requested by Ms. Favola, and as circulated to the Board. Supervisor Connolly seconded the motion.

Supervisor Connolly asked to amend the motion to revise the letter to change the word "restrictions" to "instructions" in the last paragraph, and this was accepted.

The question was called on the motion, as amended, which carried by unanimous vote.

30. **COUNTY PROJECTS** (Tape 5)

With reference to documentation of County projects finished this year provided by John Wesley White, Director, Department of Public Works and Environmental Services, Chairman Hanley asked unanimous consent that the Board direct staff to make it clear in next year's report as to whether the design was completed in-house. Without objection, it was so ordered.

31. **USE OF PARK FIELDS** (Tape 5)

Chairman Hanley asked unanimous consent that the Board direct the County Executive to review the issue of the previous weekend's use of park fields and regional coordination. Without objection, it was so ordered.

32. **TRANSPORTATION BOND REFERENDA** (Tape 5)

Chairman Hanley distributed to the Board copies of documents relating to transportation bond referenda from 1988 to the present and briefly explained them.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

33. **GREAT FALLS MEMORIAL (DRANESVILLE DISTRICT)** (Tape 5)

Supervisor Mendelsohn stated members of the Great Falls community have been working with his staff and other County staff to create a memorial for the grounds of the Great Falls Library dedicated to those who have served the cause of liberty and freedom throughout history. That community was particularly impacted by the events of September 11, 2001, when six of its residents died in the terrorist attacks. The aftermath of those events and the recognition of other human sacrifice and efforts led to the monument proposal.

Supervisor Mendelsohn endorsed the concept and presented a design to the Board. The funds for all aspects of the project will be raised by the citizen group, and no public funds will be required for the project.

Accordingly, Supervisor Mendelsohn moved that the Board:

- Approve, in concept, the proposal to have the Board erect a monument to express the support and gratitude of the Great Falls community to all those who have served the cause of liberty. The Board's approval will be conditioned on the collection of sufficient private funds to construct and maintain the monument.
- Approve, in concept, the placement of this monument on the grounds of the Great Falls Community Library in accordance with the location as outlined in the attachment provided to the Board.
- Direct staff to provide support, as requested, to finalize the design and the site plan of the monument.
- Direct the County Executive to present to the Board the final design and plans for the monument at the appropriate time for the Board's approval.

Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

34. **LETTER TO CITY OF FALLS CHURCH REGARDING TRIPPS RUN**
(Tape 5)

Supervisor Mendelsohn called to the Board's attention an email he had received from Frank Crandall, Chairman, Environmental Quality Advisory Council, regarding Tripps Run, a stream that flows through the County and the City of Falls Church. In an effort to reduce a flood area, the city is considering a proposal to remove all vegetation from the stream banks and flood plain portion of Tripps Run. The resulting accelerated flow of water would erode downstream properties and cause greater silt deposits in Lake Barcroft.

Supervisor Mendelsohn acknowledged the establishment of an interjurisdictional task force between the County and the city to investigate this matter. However, he expressed concern about possible action by the City of Falls Church during the pendency of the task force and without the knowledge of the Board.

Accordingly, Supervisor Mendelsohn asked unanimous consent that the Board direct the County Executive to send a letter to the Falls Church City Manager recognizing the task force and stating the expectation that no action will be taken regarding the removal of vegetation until the task force has completed its investigation and has issued its final findings, and until the intended actions of the City of Falls Church are communicated by the city manager to the County Executive. He further asked that the Board direct the County Executive to inform the Board of any future developments on the issue and the findings of the task force.

Following discussion, without objection, the request was so ordered.

35. **ROUTE 28 TAX DISTRICT** (Tape 5)

Supervisor Mendelsohn called to the Board's attention a letter from Thomas F. Farley, District Administrator, Virginia Department of Transportation (VDOT), that was discussed at a meeting of the Route 28 Highway Tax District Commission, regarding a four percent addition to all VDOT projects. This also added four percent to a private fixed price contract and left the project in deficit.

Supervisor Mendelsohn moved that the Board direct the Chairman to send a strongly-worded letter to the Commissioner of VDOT objecting to the action, which is being done retroactively and unilaterally. He noted that this issue did not go before the Commonwealth Transportation Board. Chairman Hanley seconded the motion.

Following discussion, Supervisor Mendelsohn clarified that his motion included a review by the County Attorney as to the legality of VDOT's action.

Following further discussion, Supervisor Connolly asked unanimous consent that the Board direct staff to provide an estimate of the impact of VDOT's action on

both current and planned projects in the County. Without objection, it was so ordered.

The question was called on the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

36. **PUBLIC HEARING DEFERRALS** (Tape 5)

Supervisor Bulova announced her intent to defer, later in the meeting at the appropriate time, the public hearing on Proffered Condition Amendment Application PCA 2001-BR-028 until October 20, 2003, at 3 p.m. because of affidavit issues.

Following input from Catherine A. Chianese, Assistant to the County Executive, Supervisor Gross announced her intent to defer, later in the meeting at the appropriate time, the public hearing on Special Exception Amendment Application SEA 94-M-047 until October 20, 2003, at 3 p.m. The Planning Commission deferred its recommendation until October 15, 2003.

Supervisor Frey announced the following public hearings which he intended to defer later in the meeting at the appropriate time:

- Rezoning Application RZ 2003-SU-005 until October 20, 2003, at 4 p.m.
- Proffered Condition Amendment Application PCA 78-S-063-3 until October 27, 2003, at 4:30 p.m.

Supervisor Hudgins announced her intent to defer, later in the meeting at the appropriate time, the public hearing on Special Exception Application SE 2003-HM-010 until October 20, 2003, at 3 p.m.

Supervisor Connolly announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Rezoning Application RZ 1999-PR-035 until October 20, 2003, at 3 p.m.

A brief discussion ensued, with input from David P. Bobzien, County Attorney.

(NOTE: Later in the meeting, the Board formally deferred these public hearings. See Clerk's Summary Items CL#61, CL#62, CL#63, CL#72, CL#77, and CL#78.)

37. **POWER SUMMIT** (Tape 5)

(NOTE: Earlier in the meeting, the Board discussed the emergency situation created by Hurricane Isabel. See Clerk's Summary Item CL#17.)

Supervisor Gross reminded the Board that Hurricane Isabel hit the County with a fury. Thousands of people were without electricity for days and were frustrated by the lack of up-to-date information from the power companies, most notably Dominion Power. That difficult situation was compounded by the loss of water pressure when the Water Authority plants shut down due to loss of electrical power. Fortunately, power was restored to the Water Authority within a few hours, but the situation caused millions of dollars in losses for residents and businesses.

Supervisor Gross acknowledged that restoring power after a big storm is difficult and dangerous work, and the Board applauds the first responders, the tree crews and the line workers who repair the lines and restore power to neighborhoods. She asserted that the biggest frustration was the inability to obtain up-to-date information about *when* power would be restored. Her office fielded hundreds of calls from worried and upset constituents who wondered whether anyone knew their plight. They could not get information from the utility representatives, and neither could their elected officials. She stated that was unacceptable.

Supervisor Gross said that local governments need to meet with public utility officials, first responders, and other appropriate participants to examine what worked well and what needs improvement in local emergency plans. She noted that the public policy discussion should include how to improve communications to the ratepayers, their constituents, and expectations for future responses to crises. She added that, in some cases, the messages conveyed by the media were inconsistent and that also needs to be resolved.

Accordingly, Supervisor Gross moved that the Board direct staff to convene a "Power Summit" that will bring appropriate parties together to examine responses to Hurricane Isabel and make recommendations for improvements. She noted that a previous effort in 1996, a "Snow Summit" requested by Supervisor Connolly, resulted in a number of recommendations that were implemented well during subsequent snow storms. She anticipated similar reasonable and workable recommendations as part of the Power Summit's "after action" plan.

Supervisor Connolly seconded the motion.

Following a query, Supervisor Gross clarified that the summit would include the Water Authority and all the appropriate parties needed to discuss issues as related to power. She envisioned that the summit would not be a single meeting, but that some problems would be assigned to work groups.

Following discussion, Supervisor Hyland asked to amend the motion to include in the summit representatives from Washington Gas, Verizon, and Cox, and this was accepted.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to include the Virginia Department of Transportation, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Hyland asked unanimous consent that the Board direct staff to request that participants bring their "after-action" reports to the summit. Without objection, it was so ordered.

Following further discussion, the question was called on the motion, as clarified and amended, and it carried by a vote of nine, Supervisor Frey being out of the room.

38. **ANNANDALE NORTHERN RED OAK (MASON DISTRICT)** (Tape 5)

Supervisor Gross announced that the America the Beautiful Fund recently recognized an Annandale northern red oak as a Landmark Tree. This tree will be honored during a ceremony at the Annandale Women's Club meeting on October 30. The Landmark Tree designation is a celebration of historic Virginia. The Annandale northern red oak is more than 200 years old, perhaps as old as 250 years, and has a trunk that spans 134 inches or 11.16 feet in diameter. The Annandale northern red oak sits on the property of Mr. and Mrs. Thomas B. ("Bo") White. Mr. White is a former member of the Park Authority.

Accordingly, Supervisor Gross moved that the Board direct staff to prepare an appropriate certificate for presentation at the recognition ceremony for the Annandale northern red oak on October 30, 2003. Chairman Hanley seconded the motion, which carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

39. **KOREAN HERITAGE DAY** (Tape 5)

Supervisor Gross announced that hundreds of Korean-American families around the County will gather at Mason District Park on the weekend of October 25-26 to celebrate their Korean heritage with a parade, martial arts demonstrations, traditional dance, a youth festival, competitive games for children and adults, and food. She noted that this event coincides with the one hundredth anniversary of Korean immigration to the United States, and it is planned to be an annual event.

Accordingly, in recognition of the many contributions Korean-Americans have made to the County community, Supervisor Gross moved that the Board:

- Proclaim October 25, 2003, as "*Celebrating Korean Heritage Day*" in Fairfax County.
- Direct staff to prepare an appropriate certificate for presentation at the kick-off ceremony on October 25, 2003.

Supervisor Connolly seconded the motion, which carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor Mendelsohn being out of the room.

DMB:dmb

40. **AUTHORIZATION OF A PUBLIC HEARING FOR THE VACATION OF PORTIONS OF MERRILEE DRIVE (PROVIDENCE DISTRICT)** (Tape 6)

- (A) Supervisor Connolly said that the Board approved Rezoning/Final Development Plan Application RZ/FDP 2002-PR-025 (DFS Long Metro) on July 7, 2003. In addition to providing ground floor retail space and 445 apartment units immediately adjacent to the Dunn Loring Metro, this smart growth project will complete the crucial road and pedestrian connection of Merrilee Drive north to Prosperity Drive. Before initiating construction, portions of the existing Merrilee Drive cul-de-sac must be vacated and abandoned. The applicant has requested a date certain public hearing.

Therefore, Supervisor Connolly moved that the Board authorize the advertisement of a public hearing to be held by the Board on October 27, 2003, regarding the vacation and abandonment of portions of Merrilee Drive. Chairman Hanley seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor Mendelsohn being out of the room.

41. **EVALUATION OF GREEN ROOF TECHNOLOGY** (Tape 6)

Supervisor Connolly said that there have been some interesting breakthroughs in *Living Roof* or *Green Roof* technology that is widely used in Europe and is now beginning to appear in the United States. He said that Yorktown Square in Merrifield has employed this technology.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct the County Executive to evaluate the technology and report how it can be employed in the County and whether there is a potential for cost savings and more positive environmental attributes from employing it in County structures. Without objection, it was so ordered.

42. **DECLARATION OF OCTOBER AS "RETT SYNDROME MONTH" IN FAIRFAX COUNTY** (Tape 6)

Supervisor Connolly said that Rett Syndrome is a rare neurological disorder that affects only females and is often misdiagnosed as autism or cerebral palsy. First recognized by the medical community in 1983, many doctors are still unfamiliar with Rett Syndrome, which occurs in as few as one of every 20,000 girls. More information about combating Rett Syndrome and contributing to a cure may be found through the Rett Syndrome Association at 1-800-818-RETT or the Web site at www.rettsyndrome.org.

Therefore, Supervisor Connolly moved that the Board:

- Declare October as "*Rett Syndrome Month*" in Fairfax County.
- Direct the Office of Public Affairs to publicize information about this little known but devastating disease through a news release, the County Web site, and the Channel 16 bulletin board.

Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, and Supervisor Mendelsohn being out of the room.

43. **LEGISLATIVE COMMITTEE MEETING LETTERS** (Tape 6)

Supervisor Connolly said that on Friday, September 26, 2003, the Legislative Committee of the Board met and directed that two letters to the County's Congressional delegation be drafted for Board consideration on two issues. The first letter, to Senator John Warner, expresses the Board's support for S.1143 which establishes and supports a comprehensive federal program to address the growing health threat posed by the Hepatitis C epidemic. The second letter, to Senator George Allen, asks that S. 150 be amended to clarify that the legislation does not interfere with the current imposition or collection by local governments of any telecommunications taxes or utility taxes applicable to telecommunications nor any rights of way fees nor gross percentage fees collected **in** lieu of rights of way fees, as expressed in the draft letter, copies of which he distributed to the Board.

Therefore, Supervisor Connolly moved that the Board endorse the two draft letters to be sent by the Chairman to the respective members of the County's federal delegation. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Gross being out of the room.

44. **REQUEST FOR CERTIFICATES OF RECOGNITION FOR RETIRING SCHOOL BOARD MEMBERS** (Tape 6)

Supervisor Connolly asked unanimous consent that the Board direct staff to invite Ernestine C. Heastie, Providence District Representative to the School Board, and other members of the School Board who might be retiring, to appear before the Board to be recognized for their years of service. Without objection, it was so ordered.

45. **AUTHORIZATION TO SCHEDULE A PUBLIC HEARING FOR REZONING APPLICATION RZ 2003-LE-025 (LEE DISTRICT)** (Tape 6)

Supervisor Kauffman said that Rezoning Application RZ 2003-LE-025 involves assemblage of property known as Villa Farms. Over the past two years, the applicant, the community, and the Lee District Land Use and Transportation Advisory Committee have worked through both the Annual Plan Review and rezoning processes to resolve a large number of redevelopment issues associated with the assembled property. Among the issues were proper street access, environmental quality control preservation, off-site stormwater management, etcetera. He said that the rezoning, in its current form, has received initial endorsement from the Lee District Land Use and Transportation Advisory Committee and on that basis, establishing a public hearing date is appropriate.

Therefore, Supervisor Kauffman moved that the Board direct staff to schedule a public hearing to be held before the Board on October 27, 2003, regarding Rezoning Application RZ 2003-LE-025. He said that this motion should not be construed as a favorable recommendation of this application by the Board and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Gross, and Supervisor Hudgins being out of the room.

46. **REQUEST FOR SPECIAL EXCEPTION APPLICATION FOR CLUSTER DEVELOPMENT (LEE DISTRICT)** (Tape 6)

Supervisor Kauffman said that property referred to as the "Basha Tract" was previously recorded as Section Three of Rose Hill but was never developed. A special exception application proposing a cluster layout is in the process of being submitted to the County. He said that while the R-3 property is already subdivided into single-family lots, its soils create constraints on development. The applicants intend to vacate the original subdivision and propose fewer lots with greater open space, consistent with the requirements for a cluster development as defined by the Zoning Ordinance. Supervisor Kauffman said that on September 23, 2003, the Rose Hill Civic Association unanimously voted in favor of continuing discussions with the applicant about possibly developing this site. For the dialogue with the Civic Association to continue, and allow County staff to participate, the applicant needs to file the application. This proposal will

require the vacation and abandonment of previously dedicated public streets; specifically, portions of Split Rock Road, Wayside Place, Raven Place, and Carriage Drive. To allow these public streets to be included in the special exception application, the applicants must receive consent from the Board.

Therefore, Supervisor Kauffman moved that the Board consent to the inclusion of portions of Split Rock Road, Wayside Place, Raven Place, and Carriage Drive that were previously dedicated in Section 3 of Rose Hill in a special exception application for cluster development. He said that this motion should not be construed as a favorable recommendation of this application by the Board in any way and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Gross, and Supervisor Hudgins being out of the room.

PMH:pmh

47. **AMERICA IN BLOOM AWARD (HUNTER MILL DISTRICT)** (Tape 7)

Supervisor Hudgins said that the Reston Association continues to make Reston "A Special Place to Live," through the vigilant maintenance of its common grounds and lakes throughout the community. The Reston Association serves as an educational conduit for the residents of Reston in providing information and awareness of the natural environment. Reston Association is very fortunate to have Claudia Thompson-Deahl, Environmental Resource Manager, as the drum major for the special care and preservation of the environment in Reston. She and her staff have continued to work tirelessly to qualify Reston to receive this prestigious award, America in Bloom.

Supervisor Hudgins noted that it is an honor to have Reston constituents included in the Hunter Mill District, and it is a pleasure to live in a community where the citizens consistently focus on improving the environment for all citizens.

Therefore, Supervisor Hudgins moved that the Board direct staff to:

- Forward a letter congratulating the Reston Association on receiving the distinguished America in Bloom Award.
- Acknowledge Ms. Thompson-Deahl for her role as Environmental Resource Manager for Reston Association.

This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Frey being out of the room.

48. **APPRECIATION TO THE 29TH INFANTRY DIVISION OF THE NATIONAL GUARD** (Tape 7)

Supervisor McConnell noted that during the recent emergency operations in response to Hurricane Isabel, the County hosted elements of the 29th Infantry Division, a National Guard unit, at the Government Center. These citizen soldiers performed admirably, staffing a Northern Virginia Regional ice and water distribution center for the counties in this area.

Therefore, Supervisor McConnell moved that the Board direct staff to invite appropriate members of the 29th to appear before the Board so that it may express appreciation for their efforts on behalf of the County. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

49. **CAP ON REAL ESTATE ASSESSMENTS** (Tape 7)

Supervisor McConnell said that at its meeting on September 24, 2003, the Economic Advisory Commission unanimously voted to recommend that, in the event that legislation may be introduced during the 2004 Session of the General Assembly that would impose a five percent cap on real estate assessments, the Board should go on record as strongly opposing such a cap.

Though the Board has not yet been presented with any draft legislation on this matter, based on the recommendation of the EAC, Supervisor McConnell moved that the Board vote to oppose any efforts to impose a five percent cap on real estate assessments. Supervisor Bulova seconded the motion.

Following discussion, Supervisor Mendelsohn moved that the Board defer this issue and refer it to the Legislative Committee for review and that it report after the election with the legislative program. Supervisor Frey seconded the motion.

Following further discussion, with input from Anthony H. Griffin, County Executive, Supervisor Mendelsohn clarified the motion that the Legislative Committee report its findings prior to Board adoption of the legislative program.

The question was called on the motion (Supervisor Mendelsohn's) and it **FAILED** by a recorded vote of eight, Supervisor Frey and Supervisor Mendelsohn voting "AYE."

The question was called on the motion (Supervisor McConnell's) and it **CARRIED** by a recorded vote of eight, Supervisor Frey and Supervisor Mendelsohn voting "NAY."

50. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)**
(Tape 7)

Supervisor Frey announced that he had no Board Matters to present today.

51. **REQUEST RECOGNITION FOR COUNTY STAFF, RED CROSS STAFF, AND UTILITY OFFICIALS (MOUNT VERNON DISTRICT)** (Tape 7)

(NOTE: Earlier in the meeting the response of public safety individuals was discussed. See Clerk's Summary items CL#17 and CL#37.)

Supervisor Hyland said that the residents of New Alexandria, Riverview, River Towers, and Belle View were hit hard by Hurricane Isabel. He said that the staff of Fairfax County Police and Fire Departments, Red Cross, and utilities serving the area were on hand and readily responded. County staff from the Health Department, the Department of Public Works and Environmental Services, Mental Health, Family Services, Walt Whitman Middle School, and many others contributed their time and expertise to help people most vulnerable.

Supervisor Hyland asked unanimous consent that the Board direct staff to invite those employees and representatives involved in helping the citizens of the Mount Vernon community and in responding to the communities' power, water, and human needs to appear before the Board for a well deserved recognition.

Following discussion, without objection, it was so ordered.

52. **FLOOD CONTROL ENHANCEMENT POSSIBILITIES IN NEW ALEXANDRIA (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland referred to his written Board Matter regarding flood control and said that approximately 16 years ago, Fairfax County's Department of Public Works and Environmental Services began to take measures to help the New Alexandria community by installing a special pump station and floodgate system to alleviate the frequent flooding which occurred in this community during heavy rainstorms and rising tides.

Accordingly, Supervisor Hyland asked unanimous consent that the Board direct staff to review the flood control system to determine if anything can be done to provide additional protection to handle more than nine and a half feet of water and provide the Board with options to prevent this type of flooding in the future. Without objection, it was so ordered.

A brief discussion ensued.

53. **AUXILIARY POWER FROM MASS BURN FACILITY TO WATER AUTHORITY PLANT IN LORTON (MOUNT VERNON DISTRICT)**
(Tape 7)

(NOTE: Earlier in the meeting there was addition discussion relating to this item. See Clerk's Summary Item CL#17 and CL#37.)

Supervisor Hyland said that prior to Hurricane Isabel, at a meeting of executives of various sewage and wastewater treatment facilities, an idea surfaced from Anthony H. Griffin, County Executive, who proposed a way of using power from systems such as the Mass Burn ("Waste to Energy") Facility in Lorton to provide auxiliary power to water plants. This would seem to be an excellent possibility in Lorton since the Mass Burn Facility and the Fairfax County Water Treatment Plant currently under construction nearby could create the ideal conditions to permit this to happen. The Mass Burn Facility, which generates power from burning trash, could divert this to the water treatment plant during these times of electrical power outages in the same way a generator automatically kicks in when electrical power is cut off or perhaps electricity from the Mass Burn Facility could be provided to the Water Treatment Plant on a permanent basis.

Accordingly, Supervisor Hyland asked unanimous consent that the Board refer this matter to staff for review and to report with its findings and recommendations. Without objection, it was so ordered.

A brief discussion ensued.

54. **REQUEST FOR WAIVER OF PERMIT FEES AND SPECIAL TAX CONSIDERATIONS FOR RESIDENTS OF NEW ALEXANDRIA, RIVERVIEW, RIVER TOWERS, AND BELLE VIEW CONDOMINIUMS (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland said that the devastation to property in the New Alexandria, Riverview, River Towers, and Belle View areas were severe. These were the hardest hit communities in the County as a result of Hurricane Isabel's visit. Early estimates for damages are quoted at \$10 million.

Supervisor Hyland noted that inasmuch as considerable work will need to be done to residential property in these areas, it seems appropriate that building permit fees for the purpose of restoration work be waived and that those who have already paid these fees be reimbursed.

Supervisor Hyland said that regarding the issue of personal property taxes, he has discussed the tax deadline with the Department of Tax Administration (DTA). The deadline for paying personal property taxes remains October 5, 2003, but DTA has the authority to grant waiver of penalties for late payments in appropriate circumstances. DTA is prepared to consider requests from citizens for such waivers.

Supervisor Hyland said that upon checking further with DTA, he has also confirmed that to the extent that buildings have been destroyed or seriously damaged, DTA will review the real estate property values and make adjustments as allowed by law. DTA is already working from the list of buildings that have been 'red tagged' by County staff. Citizens with significant property damage can contact DTA at 703-324-4804 directly or contact his office at 703-780-7518. Under §58.1-3222, DTA already has an existing process and has existing authority. Any adjustments would be prorated back to the date of the hurricane.

Therefore, Supervisor Hyland moved that the Board waive building permits fees for County residents whose properties suffered damage from Hurricane Isabel and/or the subsequent storm on Monday, September 22.

Following discussion, with input from David P. Bobzien, County Attorney, Supervisor Hyland amended his motion to direct staff to waive the fees to the extent possible, subject to the opinion of the County Attorney. Supervisor Connolly seconded the motion.

Following discussion, the question was called on the motion, as amended, and it carried by unanimous vote.

55. **REQUEST FOR OUT-OF-TURN PLAN AMENDMENT AND EXPEDITED/CONCURRENT PROCESSING FOR ASSOCIATED REZONING REGARDING TAX MAP NUMBER 93-1((18))(D) LOTS 117 – 140 (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland referred to his written Board Matter and moved that the Board:

- Authorize an Out-of-Turn Plan Amendment to consider retail and office use at an intensity up to .50 floor area ratio for lots located on Tax Map 93-1((18)) (D) lots 117 through 140. In accordance with the Board's Policy for revitalization areas, this Plan amendment should be considered concurrently with the zoning application that has been filed for the subject property because it will result in new development that will increase employment opportunities in the area.
- Direct the Department of Public Works and Environmental Services to accept all associated site plans for concurrent processing and that the zoning review be expedited by the Department of Planning and Zoning.

This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the Plan amendment and zoning application in any way. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

56. **RESPONSE TO QUESTIONS POSED TO INOVA REGARDING MOUNT VERNON HOSPITAL (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland referred to his written Board Matter regarding the response to questions posed to INOVA Mount Vernon Hospital.

There was a brief discussion, with input from David P. Bobzien, County Attorney.

57. **JOINT BOARD MATTER – MOUNT VERNON KIWANIS CLUB CELEBRATES ITS FIFTIETH YEAR (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland said that as past president of the Mount Vernon Kiwanis Club, Supervisor Mendelsohn joins him in requesting recognition and extending congratulations to the Club on its fiftieth anniversary.

Supervisor Hyland noted that the Mount Vernon Kiwanis Club has been an important organization in the Mount Vernon Community. Its help and interest in community matters through its significant contributions to worthwhile causes had added immeasurably to the quality of life for residents.

Supervisor Hyland moved that the Board direct staff to:

- Prepare a certificate congratulating the Mount Vernon Kiwanis Club on its fiftieth anniversary and recognizing the good work it has performed during its years of service to the Mount Vernon community.
- Include the Chairman's, Supervisor Mendelsohn's, and Supervisor Hyland's signature.

Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

58. **RECESS/CLOSED SESSION** (Tape 7)

At 1 p.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).
1. *Board of Supervisors v. Governors Run, L.P., et al.*, At Law No. 201904 (Fx. Co. Cir. Ct.) (Sully District)
 2. Joint Plans of Reorganization and Liquidation Filed by Covanta (Countywide)
 3. *Board of Supervisors v. Randolph Williams, Inc., et al.*, At Law No. 204272 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 4. *Board of Supervisors v. Scott Nelson Enterprises, Inc., et al.*, At Law No. 204273 (Fx. Co. Cir. Ct.) (Dranesville District)
 5. *William E. Shoup, Fairfax County Zoning Administrator v. Rosa M. Benitez*, Civil Case No. 03-27002 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- Lots in the Randwood Subdivision.
- Board of Zoning Appeals Application A 2003-DR-030; Lewinsville Park.
- INOVA lease.

Supervisor Bulova seconded the motion and it carried by unanimous vote.

SBE:sbe

At 3:25 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION**59. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION (Tape 8)**

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

60. AUTHORIZATION FOR THE COUNTY ATTORNEY TO FILE SUIT TO CHALLENGE THE DECISION OF THE BOARD OF ZONING APPEALS (BZA) IN APPEAL APPLICATION NUMBER A 2003-DR-030 REGARDING LEWINSVILLE PARK (Tape 8)

Supervisor Mendelsohn moved that the Board authorize the County Attorney to file suit on its behalf to challenge the decision of the BZA on September 16, 2003, in Appeal Application Number A 2003-DR-030 regarding Lewinsville Park, in accordance with the terms and conditions discussed with the County Attorney in closed session. Supervisor Connolly seconded the motion, which carried by unanimous vote.

AGENDA ITEMS

PW:pw

61. 3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-047 (SAUL SUBSIDIARY I LIMITED PARTNERSHIP) (MASON DISTRICT) (Tape 9)

Supervisor Gross moved to defer the public hearing on Special Exception Amendment Application SEA 94-M-047 until **October 20, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by unanimous vote.

62. 3 P.M. – PH ON REZONING APPLICATION RZ 2003-SU-005 (KUSTOM KASTLES LLC) (SULLY DISTRICT) (Tape 9)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2003-SU-005 until **October 20, 2003, at 4 p.m.** Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

63. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-3 (WESTFIELDS CORPORATE CENTER ASSOCIATES, LIMITED PARTNERSHIP) (SULLY DISTRICT)** (Tape 9)

Supervisor Frey moved to defer the public hearing on Proffered Condition Amendment Application PCA 78-S-063-3 until **October 27, 2003, at 4:30 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

64. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-SU-028 (MICHAEL A. AND MARIE K. RICCIARDI) (SULLY DISTRICT)** (Tape 9)

- (O) (NOTE: At its September 15, 2003, meeting the Board deferred the public hearing on this item until September 29, 2003.)

The application property is located on the west side of Old Clifton Road at its intersection with Clifton Road, Tax Map 66-1 ((2)) 1 and 2.

Ms. Lynne Strobel reaffirmed the validity of the affidavit for the record.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. William H. Gordon of William H. Gordon Associates, Incorporated

Following the public hearing, which included testimony by three speakers, Kristen Shields, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-SU-028, from the R-1, R-3, and WS Districts to the R-3 and WS Districts, subject to the proffers dated September 29, 2003. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, and Vice-Chairman Hyland voting "AYE," Supervisor Connolly, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

Supervisor Frey moved:

- Waiver of the minimum seven-acre size requirement for cluster subdivisions, pursuant to Section 9-610 of the Zoning Ordinance.
- Modifications of the cluster subdivision requirement to allow an open space width of less than 50 feet and an area of less than one acre, as shown on the Generalized Development Plan (GDP), pursuant to Paragraph 4 of Section 2-309 of the Zoning Ordinance.
- Modification of the maximum number of permitted pipestem lots from 20 percent to 62 percent as shown on the GDP.

Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

65. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-SU-005 (KUSTOM KASTLES LLC) (SULLY DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting, the Board deferred this public hearing. See Clerk's Summary Item CL#62.)

66. **3 P.M. – BOARD DECISION ON REZONING APPLICATION RZ 2002-MV-037 (NATIONAL CAPITAL LAND AND DEVELOPMENT, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 9)

(O) (NOTE: At its August 4, 2003, meeting the Board held a public hearing regarding this item and deferred decision until September 15, 2003. At its September 15, 2003, meeting the Board deferred decision until September 29, 2003.)

The application property is located on the west side of Pohick Road, approximately 200 feet north of Waldren Drive, Tax Map 107-2 ((1)) 11; 108-1 ((1)) 43 and 45A.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

Supervisor Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. John Milliken of Venable LLP

Following discussion with input from Mr. Stearns, Supervisor Hyland entered into the record a written agreement between the National Capital Land and Development, Incorporated and the Washington Square Homeowners Association regarding trail access and sidewalk access.

Supervisor Hyland moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-MV-037, from the R-1 District to the PDH-5 District, and approval of the conceptual development plan, subject to the execution of proffers dated July 29, 2003, and subject to the representations made by the counsel and applicant at this hearing. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, and Acting-Chairman Kauffman voting "AYE," Supervisor Connolly, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

67. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-BR-017 (EASTWOOD PROPERTIES, INCORPORATED) (BRADDOCK DISTRICT)** (Tape 9)

- (O) The application property is located on the east side of Ox Road, approximately 200 feet north of Zion Drive, Tax Map 68-3 ((1)) 8A.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Mr. Riegle had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Kristen Shields, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Bulova moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-BR-017, from the R-1 District to the R2 District, subject to the proffers dated September 8, 2003.
- Modification of the sidewalk requirement to permit the existing 8-foot wide asphalt trail to remain on the front of the site.
- Waiver of the service drive requirement.

Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Supervisor Connolly, Supervisor Frey, Supervisor McConnell, and Chairman Hanley being out of the room.

68. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-P-101-3 (CAMDEN USA, INCORPORATED) (SPRINGFIELD DISTRICT)** (Tape 9)

The application property is located in the northeast quadrant of the intersection of Fair Lakes Parkway and Monument Drive, Tax Map 46-3 ((1)) 36E.

Mr. Antonio J. Calabrese reaffirmed the validity of the affidavit for the record.

Supervisor McConnell disclosed that she has a business relationship with M.J. Wells and Associates, LLC; however, the business relationship is not related to any party to this application.

Mr. Calabrese had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, William Mayland, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Approval of Proffered Condition Amendment Application PCA 84-P-101-3, subject to the proffers dated September 22, 2003.
- Approval of a modification of the PDC district standards for the percentage of residential development to prevent a maximum of 955,000 square feet of residential use prior to the application of an affordable dwelling unit ordinance for Rezoning Application RZ 83-P-010 and 1,085,000 square feet of residential uses for the entire Centennial Gateway development Rezoning Applications RZ 84-P-101 and RZ 83-P-107, as amended.
- Approval of the waiver of the 600 foot private street length requirement.
- Approval of a modification of the loading space requirement to permit four spaces instead of five.

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Frey and Chairman Hanley being out of the room.

69. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-3 (WESTFIELDS CORPORATE CENTER ASSOCIATES, LIMITED PARTNERSHIP) (SULLY DISTRICT)**
(No Tape)

(NOTE: Earlier in the meeting, the Board deferred this public hearing. See Clerk's Summary Item CL#63.)

70. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-PR-036 (RALPH W. AND NANCY T. SHIRLEY) (PROVIDENCE DISTRICT)**
(Tape 9)

- (O) The application property is located at the west terminus of Tobin Road, approximately 580 feet west of its intersection with Monarch Lane, Tax Map 59-1 ((1)) 7.

Ms. Sara V. Kroll reaffirmed the validity of the affidavit for the record.

Following input from David P. Bobzien, County Attorney, Supervisor McConnell disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Francis McDermott

Ms. Kroll had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Supervisor McConnell disclosed that she has a business relationship with Land Design Consultants, Incorporated; however, the business relationship is not related to any party to this application.

Following the public hearing, Mary Ann Godfrey, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-PR-036, from the R-1 District to the R-3 District, subject to the proffers dated September 10, 2003.
- Modification of the Public Facilities Manual requirement to permit a cul-de-sac with a reduced radius of 40 feet.

Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Hudgins, Supervisor

Kauffman, Supervisor McConnell, and Vice-Chairman Hyland voting "AYE," Supervisor Frey, Supervisor Gross, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

Supervisor Connolly moved to waive the sidewalk and trail requirement for the site. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Gross, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

71. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-C-148 (KEYSTONE LLC) (PROVIDENCE DISTRICT)** (Tape 9)

The application property is located on the north side of Elmendorf Drive and on the west side of Aran Court, Tax Map 47-2 ((28)) M1.

Mr. Ken Sanders reaffirmed the validity of the affidavit for the record.

Supervisor McConnell disclosed that she has a business relationship with Land Design Consultants, Incorporated; however, the business relationship is not related to any party to this application.

Mr. Sanders had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Mary Ann Godfrey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved approval of Proffered Condition Amendment Application PCA 79-C-148, subject to the proffers dated September 18, 2003. Supervisor McConnell seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

72. **4 P.M. – PH ON REZONING APPLICATION RZ 1999-PR-035 (BBV BUILDING COMPANIES, INCORPORATED) (PROVIDENCE DISTRICT)** (Tape 9)

Supervisor Connolly moved to defer the public hearing on Rezoning Application RZ 1999-PR-035 until **October 20, 2003, at 5:30 p.m.** Supervisor McConnell seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hudgins, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

73. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-016 (ERNEST A. AND EILEEN M. DEMARCO, TRUSTEES) (PROVIDENCE DISTRICT)** (Tapes 9-10)

(O) The application property is located in the southwest quadrant of the intersection of Woodburn Road and Hayden Lane, Tax Map 59-1 ((1)) 17.

Ms. Lynne Strobel reaffirmed the validity of the affidavit for the record.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by one speaker, Cathy Belgin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-PR-016, from the R-1 District to the R-3 District, subject to the proffers dated September 25, 2003. Supervisor Gross seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hyland, and Chairman Hanley voting "AYE," Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

74. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-008 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 75-7-004-2 (LINCOLN PROPERTY SOUTHWEST, INCORPORATED) (PROVIDENCE DISTRICT)** (Tape 10)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved to defer the public hearing on Rezoning Application RZ 2003-PR-008 and Proffered Condition Amendment Application PCA 75-7-004-2 until **January 5, 2004, at 3:30 p.m.** Vice-Chairman Hyland seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hudgins, Supervisor Kauffman, and Supervisor Mendelsohn, being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

75. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S03-IV-MV1 FOR LAND UNIT B-2 OF THE HYBLA VALLEY/GUM SPRINGS CBC OF THE RICHMOND HIGHWAY (ROUTE 1) AND ARLINGTON DRIVE (MOUNT VERNON DISTRICT)** (Tape 10)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 11 and September 18, 2003.

Discussion ensued with input from Ed Schreiner, Planner II, Planning Division (PD), Department of Planning and Zoning (DPZ) and Marianne Gardner, Chief, Policy and Plan Development Branch, PD, DPZ.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved approval of Out-of-Turn Plan Amendment S03-IV-MV1 as recommended by the Planning Commission and as shown in the staff report, dated August 20, 2003. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor Mendelsohn being out of the room.

76. **4:30 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S03-IV-MV3, LOCATED SOUTHWEST OF THE RICHMOND HIGHWAY/CAPITAL BELTWAY INTERSECTION (MOUNT VERNON DISTRICT)** (Tape 10)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 11 and September 18, 2003.

Discussion ensued with input from Jayjeev Hada, Planner II, Planning Division, Department of Planning and Zoning.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved approval of Out-of-Turn Plan Amendment S03-IV-MV3 as recommended by the Planning Commission and as shown in the staff report, dated August 20, 2003. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

77. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2001-BR-028 (ZION NEIGHBORHOODS LLC) (BRADDOCK DISTRICT)** (Tape 10)

Supervisor Bulova moved to defer the public hearing on Proffered Condition Amendment Application PCA 2001-BR-028 until **October 20, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by unanimous vote.

78. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-HM-010 (JACQUES J. MOORE) (HUNTER MILL DISTRICT)**
(Tape 10)

Supervisor Hudgins moved to defer the public hearing on Special Exception Application SE 2003-HM-010 until **October 20, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

79. **REQUEST FOR INFORMATION ON DEADLINE FOR REVISING AFFIDAVITS IN LAND USE CASES** (Tape 10)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to determine if the two week deadline for revising affidavits in land use cases could be changed to one week.

Following discussion, with input from David P. Bobzien, County Attorney, without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

AGENDA ITEMS

80. **5 P.M. – PH ON PROPOSED COMPREHENSIVE PLAN AMENDMENT AND PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MOBILE AND LAND BASED TELECOMMUNICATION FACILITIES**
(Tape 10)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 11 and September 18, 2003.

Following the public hearing, which included testimony by two speakers, discussion ensued with input from Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, Zoning Administration Division, Department of Planning and Zoning (DPZ); David B. Marshall, Assistant Planning Division Director, DPZ; and Susan Notkins, At-Large Representative of the Telecommunication Land Use Regulations Task Force - Monopoles.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved:

- Adoption of the Mobile and Land Based Telecommunications Comprehensive Plan amendment as recommended by the Planning Commission and as outlined in the September 29, 2003, handout to the Board.
- Adoption of the proposed Mobile and Land Based Telecommunications Zoning Ordinance amendment as recommended by the Planning Commission and as outlined in the September 29, 2003, handout to the Board.
- That all mobile and land based telecommunication facilities that are subject to the provisions of Section 15.2-2232 of the *Code of Virginia* and have an application for Section 15.2-2232 Review submitted to the DPZ prior to the effective date of these amendments shall be grandfathered from the provisions of the Comprehensive Plan and Zoning Ordinance amendments, provided that:
 - (1) The Section 15.2-2232 application is approved within 90 days of its submission or within 150 days of its submission when an extension is authorized by the Board pursuant to Paragraph F of Section 15.2-2232 of the Code of Virginia.
 - (2) All necessary site plan and Building Permits are obtained.
 - (3) A Non-Residential Use Permit is issued.
 - (4) The telecommunication facilities are constructed in accordance with the Section 15.2-2232 approval.

Supervisor Bulova seconded the motion.

Vice-Chairman Hyland relinquished the Chair to Acting-Chairman Kauffman and moved to amend the motion to remove the language found in the September 29, 2003, handout to the Board, Objection 44, Feature Shown Guidelines, Policy B, last bullet.

This amendment to the motion died for lack of a second.

Acting-Chairman Kauffman returned the gavel to Vice-Chairman Hyland.

The question was called on Chairman Hanley's motion and it **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "**AYE**," Vice-Chairman Hyland voting "**NAY**."

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

81. **BOARD ADJOURNMENT** (Tape 10)

At 5:25 p.m., the Board adjourned.

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